IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Crl.MC.No. 2759 of 2007()

CC.1338/2002 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

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PETITIONER/COMPLAINANT:

UNION BANK OF INDIA, THEVARA BRANCH
ERNAKIULAM, COCHIN - 682015
REP. BY ITS MANAGER, MR.JOHNSON.

BY ADV. SRI.A.KUMAR

RESPONDENTS/ACCUSED:

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1. K.K. KRISHNANKUTTY,
KAVARAPARAMBIL HOUSE,
IRUMPANAM P.O., TRIPUNITHURA.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2759 of 2007

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Dated this the 4th day of September, 2007

O R D E R

The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. Cognizance was taken. The trial is already complete. The matter stands posted for judgment. On the date when it was posted for judgment, the accused was absent and therefore the case now stands posted to 5.9.2007.

2. The petitioner now realises that there has been an omission to affix the signature of the complainant in the original complaint. He had made an application to the learned Magistrate to make the necessary correction and permit him to sign in the complaint. That application has been rejected. Copy of that order is not available. The petitioner wants this Court to invoke the powers under Section 482 Cr.P.C. to interfere with the said order. Application to that effect has not been filed so far. The petitioner wants to secure the copy of the order and file such application under Section 482 Cr.P.C. The prayer now is to issue direction to ensure that the case is not finally disposed of before the petitioner gets an opportunity to challenge the order after getting a copy of the order.

2. I do not find any reason now to issue directions under Section 482 Cr.P.C. The petitioner's grievance can certainly be agitated if it be necessary after the judgment to be passed in the prosecution before the appropriate court. At any rate, I am not persuaded to agree that there is any justification in the prayer to invoke the powers under Section 482 Cr.P.C. to enable the petitioner to formally challenge the said order at this stage.

3. This application is accordingly dismissed.

(R. BASANT)
Judge

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